

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Rogers et al.

**Application No.** 10/533,412

**Filed:** April 29, 2005

**Confirmation No.** 9052

**FILED VIA EFS ON  
DECEMBER 6, 2006**

**For:** HEAT PASTURIZED LIQUIDS  
CONTAINING GLUCOSAMINE

**Examiner:** Shengjun Wang

**Art Unit:** 1617

**Attorney Reference No.** 6682-66958-04

**REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Two errors appear in the official Filing Receipt issued for the above-identified patent application, as follows:

1. The Domestic Priority data as claimed by application should be amended as follows:


This application is a 371 of PCT/US03/34844 filed 10/31/2003,  
which claims benefit of 60/423,119 filed 11/01/2002,  
and is a CIP of 10/685,125 filed 10/13/2003,  
which is a CIP of 10/326,549 filed 12/19/2002, PAT 7,049,433,  
which is a continuation of 09/785,695 filed 02/16/2001 (abandoned),  
and which claims benefit of PCT/US02/04468 filed 02/15/2002.

2. The city of residence for Applicant Lawrence E. Fosdick should be --Oskaloosa-- rather than "Oskalloa" as typed on the Filing Receipt.

Attached is a copy of the official Filing Receipt (Exhibit A) with the requested corrections shown thereon. Also attached are copies of the Preliminary Amendment (Exhibit B) and the Combined Declaration and Power of Attorney (Exhibit C) that were submitted to the Patent Office on April 29, 2005, both of which have the correct priority data listed.

Please correct the identified errors and issue a corrected official Filing Receipt.

Please call the undersigned if any further information is required.

  
Sheree Lynn Rybak, Ph.D.  
Registration No. 47,913

December 6, 2006  
Date

cc: Docketing

6602/3960803  
A55-522.05



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPL NO.   | FILING OR 371<br>(c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/533,412 | 04/29/2005                | 1617     | 1000          | 6682-66958-04   |          | 17       | 5        |

CONFIRMATION NO. 9052

46395  
CARGILL, INCORPORATED  
LAW DEPARTMENT  
P. O. BOX 5624  
MINNEAPOLIS, MN 55440-5624

## FILING RECEIPT



\*OC000000017091326\*

Date Mailed: 09/27/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

*OsKalooosa*  
Brent Daniel Rogers, Ottumwa, IA;  
Lawrence E. Fosdick, *OsKalooosa*, IA;  
John A. Bohlmann, Ottumwa, IA;

and is a CIP of 10/685,125 filed 10/13/2003,  
which is a CIP of 10/326,549 filed 12/19/2002, PAT 7,049,433,  
which is a continuation of 09/785,695 filed 02/16/2001  
(abandoned),  
and which claims benefit of PCT/US02/04468 filed 02/15/2002.

**Power of Attorney:** The patent practitioners associated with Customer Number **46395**.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/34844 10/31/2003  
which claims benefit of 60/423,119 11/01/2002

## Foreign Applications

~~UNITED STATES OF AMERICA 10/326549 12/19/2002~~  
~~UNITED STATES OF AMERICA 10/685125 10/13/2003~~

**Projected Publication Date:** 12/29/2005

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Heat pasturized liquids containing glucosamine

**Preliminary Class**

514

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Brent Daniel Rogers, Lawrence E. Fosdick,  
and John A. Bohlmann

**Application No.** Currently unknown

**Filed:** Herewith

**Confirmation No.** Currently unknown

**For:** HEAT PASTURIZED LIQUIDS CONTAINING  
GLUCOSAMINE

**Examiner:** Not yet assigned

**Art Unit:** Not yet assigned

**Attorney Reference No.** 6682-66958-04

MAIL STOP PCT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**PRELIMINARY AMENDMENT**

Prior to examination of the above-identified patent application, please amend the application as follows to comply with national stage requirements.

**Amendments to the Specification** begin on page 2.


**Amendments to the Claims** begin on page 3.

**Remarks** begin on page 6.

An Abstract is attached as a separate page at the end of this document.

**Amendments to the Specification**

Please replace the paragraph beginning at page 1, line 4, with the following rewritten paragraph:



This is the U.S. National Stage of International Application No. PCT/US03/34844, filed October 31, 2003 (published in English under PCT Article 21(2)), which in turn ~~This application~~ claims the benefit of U.S. Provisional Application No. 60/423,119, filed November 1, 2002, and is a continuation-in-part of U.S. Patent Application No. 10/685,125 filed October 13, 2003, which is a continuation-in-part of copending U.S. Patent Application No. 10/326,549, filed December 19, 2002, which is a continuation of U.S. Patent Application No. 09/785,695, filed February 16, 2001, and which claims priority from PCT Application No. PCT/US02/04468, filed February 15, 2002, each of which is incorporated herein by reference.

Please insert the Abstract, submitted herewith on a separate page, as page 26 at the end of the application.

### Claims

1. (Original) A method for making a beverage comprising:  
providing a beverage;  
providing an amount of glucosamine (GLCN);  
mixing the beverage and the GLCN, thereby forming a GLCN beverage; and  
heat-pasteurizing the GLCN beverage at a high temperature for a time sufficient  
to reduce colony forming units (cfu) by at least about 50%.
2. (Original) The method of claim 1, wherein heat-pasteurizing the GLCN beverage  
comprises heating the GLCN beverage to at least about 160°F.
3. (Original) The method of claim 1, wherein heat-pasteurizing the GLCN beverage  
comprises heating the GLCN beverage to at least about 200°F.
4. (Original) The method of claim 1, wherein heat-pasteurizing the GLCN beverage  
comprises heating the GLCN beverage to a temperature in a range of from about 160°F to about  
300°F.
5. (Original) The method of claim 1, wherein the GLCN beverage is heat-pasteurized for  
a time period from about 1 second to about 5 minutes.
6. (Original) The method of claim 1, wherein the amount of GLCN added to the  
beverage is at least about 0.1 g GLCN per serving
7. (Original) The method of claim 6, wherein the amount of GLCN added to the  
beverage is at least about 0.25 g GLCN per serving.
8. (Original) A method for making a beverage comprising:  
providing a beverage;

providing a first amount of GLCN;  
mixing the beverage and the GLCN, thereby forming a GLCN beverage; and  
heat-pasteurizing the GLCN-beverage, wherein the amount of GLCN in the  
GLCN beverage prior to heat-pasteurizing is substantially similar to a second amount of  
GLCN in the GLCN beverage after heat-pasteurizing.

9. (Original) The method of claim 8, wherein the second amount of GLCN in the GLCN  
beverage after heat-pasteurizing is at least about 80% of the first amount of GLCN in the GLCN  
beverage prior to heat-pasteurizing.

10. (Currently amended) The method of ~~any of claims claim 1 to 9~~, wherein the GLCN is  
derived from a fungal biomass containing chitin.

11. (Currently amended) A beverage made by the method of ~~any of claims claim 1 to 11~~.

12. (Original) A beverage comprising:

at least about 0.01 g per serving of GLCN; and  
at least about 0.0001 wt. % levulinic acid.

13. (Original) A beverage comprising:

at least about 0.01 g per serving of GLCN; and  
at least about 0.0001 wt. % melanoidins.

14. (Original) The beverage of claim 13, wherein the beverage does not contain shellfish  
proteins.

15. (Original) A beverage comprising:

at least about 0.01 g per serving of GLCN;



at least about 0.0001 wt. % levulinic acid and/or at least about 0.0001 wt. %  
melanoidins; and

wherein the beverage is at least about 160°F.

16. (Currently amended) The beverage of ~~any of claims~~ claim 13 to 15, wherein the  
beverage comprises at least about 0.25 g GLCN per serving.

17. (New) The beverage of claim 15, wherein the beverage comprises at least about  
0.25 g GLCN per serving.

**Remarks**

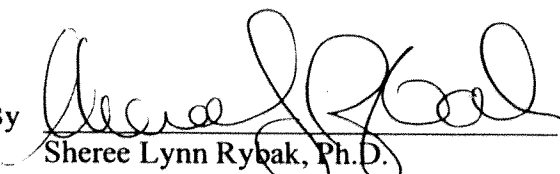
Claims 1-16 were pending. By this amendment, claims 10, 11, and 16 are amended to remove the multiple dependency. Claim 17 was added due to the amendment to claim 16. No claims were cancelled. Therefore, claims 1-17 are now pending.

By this amendment the specification has been updated to reflect prior related applications, and to insert the abstract on a separate page.

No new matter has been added by this amendment.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Sheree Lynn Rybak, Ph.D.  
Registration No. 47,913

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled HEAT PASTURIZED LIQUIDS CONTAINING GLUCOSAMINE, the specification of which

- ☐ is attached hereto.
- ☐ was filed on \_\_\_\_\_ as United States Patent Application No. \_\_\_\_\_.
- ☒ was described and claimed in PCT International Application No. PCT/US03/34844, filed on 31 October 2003, and as amended under PCT Articles 19 on \_\_\_\_\_ (if applicable).
- ☐ and was amended on \_\_\_\_\_ (if applicable).
- ☐ with amendments through \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses claims and subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.


I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the applications(s) on which priority is claimed:

| Number | Country | Day/Month/Year Filed | Claim Priority?  |
|--------|---------|----------------------|--|
|        |         |                      | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Number | Filing Date      |
|--------------------|------------------|
| 60/423,119         | 01 November 2002 |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:



| Application Number | Filing Date      | Status: patented, pending, abandoned |
|--------------------|------------------|--------------------------------------|
| 10/685,125         | 13 October 2003  | Pending                              |
| 10/326,549         | 19 December 2002 | Pending                              |
| 09/785,695         | 16 February 2001 | Abandoned                            |
| PCT/US02/04468     | 15 February 2002 | Completed                            |

I hereby appoint the practitioners associated with the customer number provided below to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

### Customer Number 46395

I hereby grant the law firm of Klarquist Sparkman, LLP, the power to insert on this Combined Declaration and Power of Attorney any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for submitting this document.

Address all telephone calls to Paula A. DeGrandis at telephone number (952) 742-5402.

Address all correspondence to the address associated with **Customer Number 46395**, which address is:

Cargill, Incorporated  
15407 McGinty Road West  
Wayzata, Minnesota 55391  
U.S.A.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Name of First or Sole Inventor:** Brent Daniel Rogers

**Residence:** Ottumwa, Iowa

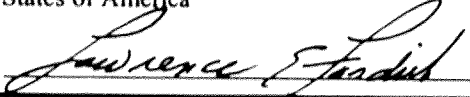
**Mailing Address:** Cargill Acidulants, R&D  
One Cargill Drive  
Eddyville, IA 52553

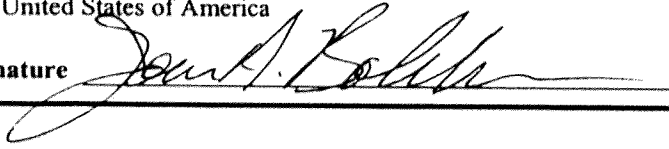
**Citizenship:** United States of America

**Inventor's Signature** Brent Daniel Rogers

**Date** 4/18/05

→

|                                 |   |
|---------------------------------|---|
| <b>Name of Second Inventor:</b> | Lawrence E. Fosdick   |
| <b>Residence:</b>               | Oskaloosa, Iowa   |
| <b>Mailing Address:</b>         | 609 21st Avenue West<br>Oskaloosa, Iowa 52577   |
| <b>Citizenship:</b>             | United States of America  |
| <b>Inventor's Signature</b>     |  Date <u>4/21/2005</u> |

|                                |  |
|--------------------------------|--|
| <b>Name of Third Inventor:</b> | John A. Bohlmann   |
| <b>Residence:</b>              | Ottumwa, Iowa  |
| <b>Mailing Address:</b>        | 472 East Rochester<br>Ottumwa, Iowa 52501  |
| <b>Citizenship:</b>            | United States of America   |
| <b>Inventor's Signature</b>    |  Date <u>26 April 05</u> |